

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 13-1928; 13-1939

Caption [use short title]

Motion for: Dismissal

In re Bayer Combination

Set forth below precise, complete statement of relief sought:

Plaintiff-Appellees respectfully request that the Court
dismiss the respective appeals brought by
Appellants Stevens and Johnson.

MOVING PARTY: Plaintiffs-AppelleesOPPOSING PARTY: Appellants☒ Plaintiff☐ Defendant☐ Appellant/Petitioner☒ Appellee/RespondentMOVING ATTORNEY: Elizabeth A. FeganOPPOSING ATTORNEY: Thomas Cox & Gary Sibley

[name of attorney, with firm, address, phone number and e-mail]

Hagens Berman Sobol Shapiro LLPMr. Cox: 4934 Tremont, Dallas, TX 752141144 W. Lake Street, Suite 400469-531-3313; tcox009@yahoo.comOak Park, IL 60301Mr. Sibley: 2602 McKinney, Ste 210, Dallas, TX 75204708-628-4949; beth@hbsslaw.com214-522-5222; g@juris.ccCourt-Judge/Agency appealed from: Eastern District of New York-Hon. Brian M. Cogan

Please check appropriate boxes:

**FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:**

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes ☐ No (explain): _____

Has request for relief been made below?

☐ Yes ☐ No

Has this relief been previously sought in this Court?

☐ Yes ☐ No

Requested return date and explanation of emergency: _____

Opposing counsel's position on motion:

☐ Unopposed ☒ Opposed ☐ Don't Know

Does opposing counsel intend to file a response:

☒ Yes ☐ No ☐ Don't Know

Is oral argument on motion requested?

☐ Yes ☒ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes ☒ No If yes, enter date: _____

Signature of Moving Attorney: _____

Date: June 21, 2013Service by: ☒ CM/ECF☐ Other [Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.**FOR THE COURT:**

CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: _____

By: _____